

## Message Text

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ACTION AF-18

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R 090930Z NOV 73

FM AMCONSUL ZANZIBAR

TO SECSTATE WASHDC 0966

INFO AMEMBASSY DAR ES SALAAM

C O N F I D E N T I A L ZANZIBAR 0352

E.O. 11652: GDS

TAGS: PINT TZ

SUBJECT: ZANZIBAR TREASON TRIAL

1. ZANZIBAR TREASON/ASSASSINATION TRIAL, WHICH BEGAN MAY 7, HAS NOW SEEN COMPLETION OF ALL DEFENSE TESTIMONY. COURT ON NOV. 7 HEARD PRESENTATION OF LAST OF 48 WITNESSES WHO PLEADED INNOCENT AND CHOSE TO TESTIFY (6 ELECTED NOT TO PRESENT ANY DEFENSE AND ANOTHER 9 ORIGINALLY PLEADED GUILTY AND RECEIVED DEATH SENTENCES) AND ON MOTION OF PROSECUTION GRANTED THREE-WEEK CONTINUANCE. PROCEEDINGS WILL RESUME NOV. 28, AT WHICH TIME PROSECUTION WILL BEGIN SUMMATION.

2. RADIO ZANZIBAR ON NOV. 8 STATED THAT AME MOHAMEDI, HEAD OF THE THREE-MAN TRIBUNAL, IN HIS DECISION GRANTING THE CONTINUANCE, "ASSURED THE ACCUSED THAT THE PROSECUTION AND THE COURT ITSELF WOULD EXERCISE WISDOM IN TAKING EVERY STEP POSSIBLE TO ASSURE THAT JUSTICE WOULD BE SERVED." RADIO REPORT ALSO INDICATED THAT PURPOSE OF THREE-WEEK INTERVAL IS TO PERMIT PROSECUTION TO PREPARE ITS CLOSING SUMMATION AND TO CONSULT WITH THE COURT ABOUT THE EVIDENCE PRESENTED THUS FAR.

3. SOURCE WHICH CONSULATE BELIEVES RELIABLE, WHO INTERVIEWED FIRST VP JUMBE SEPT 7, STATED THAT JUMBE HAD EXPRESSED CONCERN THAT JUSTICE BE DONE AND OPINED THAT THREE-WEEK INTERVAL WOULD ALLOW TIME FOR CAREFUL EVALUATION OF ALL EVIDENCE PRESENTED. JUMBE ALSO REPORTEDLY SAID THAT DELAY WOULD PERMIT ZANZIBAR

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PUBLIC, WHICH HAS FOLLOWED CASE ON TELEVISION, TO COME FORWARD

WITH OWN VIEWS AND OPINIONS AND ADDITIONAL INFORMATION  
WHICH MIGHT BEAR ON STATEMENTS OF WITNESSES AND PROSECUTION.

4. COMMENT: NOTWITHSTANDING JUMBE'S CONCERN, DEFENSE TESTIMONY RIGHT UP TO END WAS TOTALLY INADEQUATE VEHICLE FOR PRESENTATION OF CASES OF INDIVIDUAL WITNESSES, WHO (DENIED DEFENSE COUNSEL) WERE IN ALMOST ALL CASES INCAPABLE OF PRESENTING THEIR OWN DEFENSES COHERENTLY AND IN AN ORGANIZED MANNER. WITNESSES WERE RUSHED THROUGH THEIR STATEMENTS, DENIED MEANINGFUL OPPORTUNITIES TO SPEAK TO OR REBUT STATEMENTS OF OTHER DEFENDANTS AND EARLIER PROSECUTION WITNESSES, AND LED IN SOME CASES INTO DAMAGING ADMISSIONS BY PROSECUTION LINE OF QUESTIONING.

5. WOLF DOURADO, ATTORNEY GENERAL AND CHIEF PROSECUTOR, PRESUMABLY WILL BE MAKING EFFORT DURING BREAK IN TRIAL TO CONSULT IN DETAIL WITH THREE LAY JUDGES WHO WILL HAND DOWN VERDICTS, AND TO OFFER THEM GUIDANCE IN ASSESSING TESTIMONY. BUT GIVEN THE VALUE OF TESTIMONY ELICITED AND THE EVIDENT NON-JUDICIAL CHARACTER OF THE PROCEEDINGS, THE ZANZIBAR GOVERNMENT WILL RIGHTLY FACE SERIOUS DIFFICULTIES IN CONVINCING TANZANIA OR THE REST OF THE WORLD THAT JUSTICE HAS BEEN SERVED. DOURADO INDICATED TO THE CONSULATE RECENTLY THAT, IN ANTICIPATION OF OUTSIDE ATTACKS ON ZANZIBAR JUSTICE, A FULL RECORD AND TRANSCRIPT OF THE TRIAL WILL BE PUBLISHED, BUT IT IS DIFFICULT TO SEE HOW SUCH A TRANSCRIPT WOULD HELP THE GOZ IN MAKING ITS CASE.  
MACFARLANE

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